

# **Exhibit 3**

**IN THE U.S. PATENT AND TRADEMARK OFFICE**

Application No.: 11/393,900

Filing Date: March 31, 2006

Applicant: Girish P. Chandranmenon et al

Group Art Unit: 2452

Examiner: Neeraj K. Utreja

Title: METHODS AND DEVICES FOR MAINTAINING SESSIONS BASED ON  
PRESENCE STATUS INFORMATION

Attorney Docket: 129250-002209/US

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**APPELLANTS' BRIEF ON APPEAL**

**MAIL STOP APPEAL BRIEF - PATENTS**

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

**December 17, 2010**

APPELLANTS' BRIEF ON APPEAL  
U.S. Application No.: 11/393,900  
Atty. Docket: 129250-002209/US

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**APPELLANTS' BRIEF ON APPEAL**

**I. REAL PARTY IN INTEREST:**

The real party in interest in this appeal is Alcatel-Lucent. Assignment of the application was submitted to the U.S. Patent and Trademark Office and recorded at Reel 018014, Frame 0399.

**II. RELATED APPEALS AND INTERFERENCES:**

There are no known appeals or interferences that will affect, be directly affected by, or have a bearing on the Board's decision in this Appeal.

**III. STATUS OF CLAIMS:**

Claims 1, 2, 4-7, 9-12, 14 and 26-36 are pending in the application, with claims 12 and 26 being written in independent form. Claims 3, 8, 13 and 15-25 have been cancelled.

Claims 12, 14, 26 and 27 were finally rejected under 35 U.S.C. §103(a) based on the combination of Digate et al., U.S. Patent Application Publication No. 2004/0162881 ("Digate"), Hardistry et al, U.S. Patent Application Publication No. 2005/0239550 ("Hardistry") and U.S. Patent No. 6,352,479 to Sparks ("Sparks"). Claims 1, 2, 4-7, 9-11, and 28-36 were rejected under 35 U.S.C. §103(a) based on the combination of Digate, Hardistry, Sparks and Shah et al., U.S. Patent Application Publication No. 2005/0071433 ("Shah").

Claims 1, 2, 4-7, 9-12, 14 and 26-36 are being appealed.

**IV. STATUS OF AMENDMENTS:**

A PreAppeal Brief and Request was filed on October 20, 2010. In a review panel decision mailed December 13, 2010 the panel instructed the Appellants to proceed to file the instant appeal.

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**V. SUMMARY OF CLAIMED SUBJECT MATTER:**

**(i). Overview of the Subject Matter of the Independent Claims**

The present invention is directed at methods and related systems for forming one or more groups associated with one or more online gaming sessions, including the feature of forming a gaming group containing those third party users that have the substantially same gaming skill level *as that required by a request* from compared, identified and available users along with the user that initiated the request. More specifically, independent claims 12 and 26 read as follows (specification citations are in parenthesis):

**12. A method for forming one or more groups associated with one or more online gaming sessions comprising:**

**receiving one or more identities of one or more third party users** (paragraphs [0025] and [0040]);

**determining the availability of the identified third party users** (paragraphs [0042] to [0044] and [0051] to [0053]);

**comparing profiles of the identified and available third party users, with attributes of a request to initiate an online gaming session by a user, to determine the gaming skill level of the third party users** (paragraphs [0042] to [0044] and [0051] to [0053]); and

**forming a gaming group containing those third party users that have the substantially same gaming skill level as that required by the request from the compared, identified and available users along with the user that initiated the request** (paragraphs [0025], [0040], [0042] to [0044] and [0051] to [0053]).

Independent claim 26 reads as follows:

**26. A system for forming one or more groups associated with one or more online gaming sessions comprising:**

**a memory storing instructions to implement a lobby** (paragraphs [0011], [0046], ) ,

**the lobby operable to**

**receive one or more identities of one or more third party users** (paragraphs [0025] and [0040]);

**determine the availability of the identified third party users** (paragraphs [0042] to [0044] and [0051] to [0053]);

**compare profiles of the identified and available third party users, with attributes of a request to initiate an online gaming session by**